

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
OA NO.586 OF 2025**

IN THE MATTER OF:

Naresh Kumar Yadav,

.....Applicant,

VERSUS

Ministry of Environment Forest & Climate Change & Ors.

.... Respondents,

**Preliminary Objection for/on behalf of the Applicant to the Report dated 05.02.2026 of the Joint Committee constituted by this Hon'ble Tribunal vide its order dated 20.11.2025 in the present matter.**

MOST RESPECTFULLY SHOWETH:

**PRELIMINARY OBJECTIONS AND SUBMISSIONS:-**

1. That the joint committee has filed the false and frivolous report and without disclosing the material facts.
2. That said representatives of the Joint Committee after analysing the photographs dated 09/12/2025 annexed their report dated Nil filed on 20/02/2026 found the violations being committed by the Private Respondent and sent the show cause notice to the Project Proponent only on 03/02/2026 i.e. after the EC dated 27/01/2026 uploaded on 27/01/2026 and for all such time kept the report with them and they neither filed the said report before this Hon'ble Tribunal nor took pain to prepare the same before 05/02/2026 and let the Private Respondent get the EC dated 27/01/2026 in its favour and only when the EC dated 27/02/2026 was

issued to Private Respondent, the said representatives of the Joint Committee at haste prepared the said report dated 05/02/2026 and filed on 20/02/2026 at much later time and by suppressing the material violations by the Project Proponent and then also these representatives filed the incomplete report to benefit the Project Proponent.

3. Had the said Joint Committee prepared and filed the complete report in time or at the earliest after completing the inspection on 09/12/2025 as claimed by it, then the private respondent either would not have been granted the EC by Respondent No.1 or the Respondent No.1 would have been cautious about the violations done by the Private Respondent while granting the said EC.
4. It is also pertinent to mention here that the said representatives kept the said inspection report in secrecy and the Respondent No.1 to 6 knowing very well that there seems to be undue favour to the Respondent No.7 as these representatives had filed the report only after the Respondent No.1 had granted EC to Respondent No.7 therefore, the Respondent No.1 to 6 could have initiated an inquiry to find the reason for undue delay on the part of the said representatives to prepare and file the present report only after Respondent No.7 being issued the EC.
5. That photographs filed along with the Joint committee report does not show these representatives in any of the Photographs including GPS

Photographs which further raises serious doubt the visit of the said Joint Committee representatives on 09/12/2025.

6. That the Joint Committee report filed by the Respondent No.4 to 6 is incomplete and pages are missing in the same and no date of preparation and signing of the same are mentioned in the said report.
7. The Applicant reserves the right to file the detailed objection once the complete Inspection report is shared by the representatives of Joint Committee.
8. That the Joint Committee has not commented upon the GPS tagged photographs filed along with OA which further shows that the Joint Committee has not inspected the site in details and has not made any efforts to also ascertain the violations as being alleged by the Applicant in the present OA.

**PARAWISE REPLY:**

- 1) That the averment made in paragraph No. 1 of the above said report is a matter of record and hence needs no reply.
- 2) That in reply to the averment made in Paragraph No. 2 to 4, the Regional Officer, MoEFCC Chandigarh, and the representative of the Member Secretary, CPCB, were aware of the violations committed by the Project Proponent during the site inspection conducted on 09.12.2025; however, they failed to bring the same to the notice of the IA Division, MoEFCC,

New Delhi. Consequently, Environmental Clearance came to be granted on 27.01.2026.

It is further submitted that the said grant of Environmental Clearance was not disclosed before this Hon'ble Tribunal by either the Government Respondents or the Private Respondent during the hearing held on 05.02.2026.

**3) Reply of Para 5.1**

That in response to para 5.1 of the joint committee, it is most respectfully submitted that the SEAC is only recommending authority not a granting Authority.

- 4) Para 5.2 of the Joint Committee Report “*Construction Activity: At the time of inspection, construction activity was not in progress although some work has been done at site. Its was observed that some construction activities were undertaken by project proponent at project site, which is more than 500 Sq M. without registration on Dust Portal (Violations of CAQM Direction) of Haryana State Pollution Control Board(HSPCB), which is a mandatory requirement. It was further observed that no PM sensor was installed at the project site at the time of inspection. This Constitutes a violations of Direction No 11 issued by the Commission for Air Quality Management(CAQM) Photogrpahs taken during site inspection are enclosed in Annexure -R/3*”**

That in reply to the averment made in Paragraph No. 5.2, The Joint Committee stated that area of the site more than 500 Sq M:- This statement is completely false as the area of violation is around 3 Acres.

The Joint Committee has conspicuously failed to examine or comment upon the use and operation of diesel generator (DG) sets by the private respondent at the project site, despite their apparent and continuous usage as shown in the GPS tagged Photographs dated 04.10.2025 & 08.11.2025 at pdf running page no 62, 63 & 68 and pdf page no 60 -61 & 66 of the OA filed by the applicant. Applicant also write a short caption below the GPS tagged photographs that "DG Sets running on diesel at site", whereas use of diesel DG Sets are banned Under CAQM Directives in NCR.

No DG Sets seal by joint committee or by the HSPCB at the project site.

### 5) Reply of Para 5.3

<b>S No</b>	<b>Activity Permitted as per MoEF&amp; CC OM dated 29.03.2022</b>	<b>Observation of The Committee</b>	<b>Comment of the Applicant</b>
1	Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.	<i>RCC Boundary wall is constructed using civil work.</i>	<i>The Joint Committee failed to disclose or verify the source of recycled water/Sewage water being used by the private respondent for construction purposes at the site and as observed by joint Committee in Para 2(A).  Applicant raises this issue in OA para no 10</i>
2	Construction of temporary sheds using prefabricated	<i>A. Project Proponent has undertaken construction</i>	<i>These findings conclusively</i>

	/modular structure for site office/guards and storing material and machinery.	<p>activities, including construction of RCC staircases, RCC Structural components, a circular water fountain, internal roads with block/surface tiles/ stones and boulders laid over an RCC base, along with some soil excavation and soil compaction.</p> <p>B. Temporary shed using pre fab is constructed for its site office is also constructed.</p>	<p><b>demonstrate that the Project Proponent has acted in deliberate disregard of environmental laws and rules thereunder.</b></p> <p><b>GPS tagged photographs dated 09/12/2025 annexed by the joint committee from pdf page No 124 to 128 are self-explanatory.</b></p>
3	Provision of temporary electricity and water supply for site office/guards only.	<p>It was observed that electricity was being used at site for various activities like use of Air Conditioners at site, use of 03 Nos High Mask lights, lighting etc.</p> <p>However, the Project Proponent failed to disclose the source of electricity supply used at the site.</p>	

***On the basis of the above it is observed that project proponent has carried out certain construction activities beyond permissible in OM dated 29.03.2022***

That in reply to the averment made in Paragraph No. 5.3, It is respectfully submitted that the Joint Committee Report filed before this Hon'ble Tribunal unequivocally establishes that the Project Proponent has undertaken unauthorized construction activities in clear violation of the Office Memorandum dated 29.03.2022 issued by the Ministry of Environment, Forest and Climate Change,(GoI), New Delhi

The Committee has specifically recorded that the Project Proponent has carried out certain construction activities beyond permissible in MoEF&CC OM Dated 29.03.2022, like, permanent civil works including RCC structural components, a circular water fountain, internal roads with block/surface tiles/stones, and boulders laid over an RCC base, along with some soil excavation and soil compaction and other construction activities, which are ex facie beyond the limited preparatory activities permissible prior to grant of Environmental Clearance.

These findings conclusively demonstrate that the Project Proponent has acted in deliberate disregard of environmental laws and rules thereunder.

- 6) That in reply to the averment made in Paragraph No. 6, it is submitted that the Respondent No.4 has issued show cause notice for closure, prosecution and Levy of Environmental compensation vide letter HSPCB/GRN/2026/3180 only on 03.02.2026, i.e. approx two months after the said inspection and the same raises a serious doubt the integrity and conduct and bonafide on the part of the Respondent No.4 and the Joint Committee and there is no explanation as to why not such show cause notice was issued immediately after inspection on 09.12.2025.
- 7) That in reply to averments made in paragraph no. 7 and 8 of the said report It is submitted that Despite specific directions of this Hon'ble Tribunal to ascertain the correctness of illegal felling of trees, the Joint Committee has

failed to conduct any meaningful or scientific investigation into the allegation of felling/axed of 72 trees by the project proponent That in reply to the averment made in Paragraph No. 7 & 8.

No effort has been made to utilize scientific tools or expert agencies such as: Drone Imaging and Information Service of Haryana Limited (DRIISHYA)

The failure to adopt such standard and available techniques renders the findings incomplete, arbitrary, and contrary to the mandate of this Hon'ble Tribunal.

9. That the averment made in paragraph No.9 in the above said report is matter of record and hence need no comment.

### **PRAYER**

Wherefore this Hon'ble Tribunal may graciously be pleased to

- i) set aside the Joint Committee Report dated 05/02/2026 and
- ii) to Direct for fresh inspection along with the stake holders and
- iii) direct the Respondent No.1 to stay the operation of EC granted to Private Respondent No.7 and reconsider the said EC dated 27/02/2026 in the light of the violation being committed by the said Private Respondent and
- iv) iv) Direct the Public Respondents to take necessary steps and inquiry against the representatives of the Joint Committee for hiding the violations for such delayed period to benefit the Project proponent and

- v) Pass any other or such other order(s) as this Hon'ble Tribunal may deem fit in the interest of law and justice.

  
Applicant

Through

Counsel

  
Ravi Agrawal, Adv

M/s Ralo Associates

Date:20/04/2026

Place:Gurgaon

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Versus

Union of India & Ors ..... RESPONDENT(S)

**AFFIDAVIT**

I, Naresh Kumar Yadav, R/o 95 Mushedpur, Gurugram Haryana 122506, aged about 65 years presently at Gurugram, do hereby on solemn affirmation state as under :-

- 1) That I am the applicant in the above said matter and fully conversant with the facts and circumstances of this case and am competent to swear this Affidavit in support of the accompanying objections/reply.
- 2) That the accompanying objection/reply has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.
- 3) That the contents of accompanying objection/reply be read as part and parcel of this Affidavit as the same are not repeated herewith for the sake of brevity.

*NK Yadav*

**DEPONENT**

**VERIFICATION**

Verified at Gurugram on this 25<sup>th</sup> day of April 2026 that the contents of my above Affidavit from para 1 to 3 are true and correct to best of my knowledge and nothing material has been concealed therefrom.



*NK Yadav*

**DEPONENT**

**ATTESTED**

**MAHENDER S. PUNIA  
ADVOCATE & NOTARY  
Distt. Gurugram (Haryana) India**